

AMENDED IN SENATE DECEMBER 17, 2009

SENATE BILL

No. 233

Introduced by Senator Aanestad

February 23, 2009

~~An act to amend Section 13388 of the Water Code, relating to water quality.~~ *An act to add Section 5653.2 to the Fish and Game Code, relating to fish and wildlife, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 233, as amended, Aanestad. ~~State Water Resources Control Board; California regional water quality control boards. Vacuum or suction dredge equipment: permits: refund.~~

Existing law prohibits the use of any vacuum or suction dredge equipment by any person in any river, stream, or lake of this state without a permit issued by the Department of Fish and Game. Existing law designates the issuance of permits to operate vacuum or suction dredge equipment to be a project under the California Environmental Quality Act (CEQA), and suspends the issuance of permits, and mining pursuant to a permit, until the department has completed an environmental impact report for the project as ordered by the court in a specified court action. Existing law prohibits the use of any vacuum or suction dredge equipment in any river, stream, or lake, for instream mining purposes, until the Director of Fish and Game certifies to the Secretary of State that (1) the department has completed the environmental review of its existing vacuum or suction dredge equipment regulations as ordered by the court, (2) the department has transmitted for filing with the Secretary of State a certified copy of new regulations, as necessary, and (3) the new regulations are operative.

This bill would require the department, upon request, to refund the amount of the permit fee paid in 2009 by a person issued a vacuum or suction dredge equipment permit and subject to the latter prohibition.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The Porter-Cologne Water Quality Control Act prohibits a person from being a member of the State Water Resources Control Board or a California regional water quality control board if he or she receives, or has received during the previous 2 years, a significant portion of his or her income directly or indirectly from any person subject to specified waste discharge requirements or applicants for specified waste discharge requirements.~~

~~This bill would instead subject a person to that prohibition if he or she receives, or has received during the previous 2 years, 25% or more of his or her income directly or indirectly from any person subject to specified waste discharge requirements or applicants for specified waste discharge requirements. This bill would also make technical, nonsubstantive changes.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5653.2 is added to the Fish and Game
2 Code, to read:

3 5653.2. Upon request, the department shall refund the amount
4 of the permit fee paid in 2009 by a person issued a permit for the
5 use of vacuum or suction dredge equipment pursuant to Section
6 5653 and subject to the prohibition imposed in Section 5653.1.

7 SEC. 2. This act is an urgency statute necessary for the
8 immediate preservation of the public peace, health, or safety within
9 the meaning of Article IV of the Constitution and shall go into
10 immediate effect. The facts constituting the necessity are:

11 In order to allow the Department of Fish and Game, as soon as
12 possible, to refund the fees paid in 2009 by instream miners for
13 vacuum or suction dredge permits rendered unusable by Chapter
14 62 of the Statutes of 2009, it is necessary for this act to take effect
15 immediately.

16 SECTION 1. ~~Section 13388 of the Water Code is amended to~~
17 read:

1 ~~13388. Notwithstanding any other provision of this division~~
2 ~~or Section 175, no person shall be a member of the state board or~~
3 ~~a regional board if he or she receives, or has received during the~~
4 ~~previous two years, 25 percent or more of his or her income directly~~
5 ~~or indirectly from any person subject to waste discharge~~
6 ~~requirements or applicants for waste discharge requirements~~
7 ~~pursuant to this chapter.~~

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